

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DOLORES SHARPE,

Plaintiff,

-against-

COUNTY OF NASSAU, NASSAU COUNTY  
POLICE DEPARTMENT, CHARLES VOLPE, in  
his individual and official capacities, VICTOR  
GLADITZ, in his individual and official capacities  
and former Police Commissioner THOMAS DALE,  
in his individual and official capacities,

Defendants.  
-----X

CV-15-6446 (GRB)(AYS)

**DECLARATION IN SUPPORT OF  
COUNTY DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT**

STATE OF NEW YORK     )  
                                      )  
COUNTY OF SUFFOLK     )

MATTHEW J. MEHNERT, an attorney at law admitted to practice in the State of New York and a member of the Bar of the United States District Court for the Eastern District of New York, declares under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am a partner in the law firm of Lamb & Barnosky, LLP, counsel to Defendants County of Nassau, the Nassau County Police Department and Thomas Dale ("the County Defendants") in this matter.

2. I submit this declaration in connection with County Defendants' motion for summary judgment. For ease of the parties' anticipated briefing of the balance of the motion papers, the County Defendants designate the documents identified below by the associated exhibit references.

3. For purposes of the Defendants' Statement of Material Facts Pursuant to Local Rule 56.1, these documents are identified in long form, but this will, for the Court's ease of review, allow the parties to refrain from doing so moving forward.

4. Attached hereto as Exhibit A is a copy of the Complaint.
5. Attached hereto as Exhibit B is a copy of the Answer submitted on behalf of all Defendants.
6. Attached hereto as Exhibit C is a copy of the relevant excerpts from the first day of Plaintiff's deposition transcript.
7. Attached hereto as Exhibit D is a copy of the relevant excerpts from the second day of Plaintiff's deposition transcript.
8. Attached hereto as Exhibit E is a copy of the relevant excerpts from the deposition transcript of defendant Thomas Dale.
9. Attached hereto as Exhibit F is a copy of the relevant excerpts from the deposition transcript of defendant Charles Volpe.
10. Attached hereto as Exhibit G is a copy of the relevant excerpts from the deposition transcript of defendant Victor Gladitz.
11. Attached hereto as Exhibit H is a copy of the course materials for the Nassau County Police Department Police Academy In-Service Training Material for Off-Duty and Plain Clothes Encounters course, bearing the Bates stamps Nassau County 000134-000139.
12. Attached hereto as Exhibit I is a copy of the course materials for the Nassau County Police Department's course regarding Off-Duty and Plain Clothes Encounters, bearing the Bates stamps Nassau County 000149-000157.
13. Attached hereto as Exhibit J is a copy of the relevant excerpts from the July 10, 2014 testimony of Defendant Charles Volpe in the matter of the *People v. Sharpe*, Docket No. 2013-NA-027341.
14. Attached hereto as Exhibit K is a copy of Defendant Volpe's March 6, 2015 statement to

the Nassau County Police Department Internal Affairs Bureau, bearing the Bates stamps Nassau County 000070-000073.

15. Attached hereto as Exhibit L is a copy of Plaintiff's April 1, 2015 statement to the Nassau County Police Department Internal Affairs Bureau, bearing the Bates stamps Nassau County 000085-000089.

16. Attached hereto as Exhibit M is a disk containing the video footage from the Dollar Tree security camera pointed at the front entrance to the West Hempstead location for November 29, 2013.

17. Attached hereto as Exhibit N is a copy of Defendant Gladitz's March 7, 2015 statement to the Nassau County Police Department Internal Affairs Bureau, bearing the Bates stamps Nassau County 000078-000080.

18. Attached hereto as Exhibit O is a copy of photograph of the chain that was attached to Plaintiff's identification tag holder on November 29, 2013, bearing the Bates stamp Nassau County 000118.

19. Attached hereto as Exhibit P is a disk containing the video footage capturing a portion of the interaction between Plaintiff and Defendants Volpe and Gladitz on November 29, 2013.

20. Attached hereto as Exhibit Q is a copy of Anthony Carbone's October 8, 2014 statement to the Nassau County Police Department Internal Affairs Bureau, bearing the Bates stamp Nassau County 000069.

21. Attached hereto as Exhibit R is a copy of Jeffrey Douglas' December 4, 2013 statement to the Nassau County Police Department Internal Affairs Bureau, bearing the Bates stamps Nassau County 000064-000065.

22. Attached hereto as Exhibit S are copies of the District Court Informations filed against

Plaintiff with the Nassau County District Court, bearing the Bates stamps Nassau County 000169-000170, 000179-000180.

23. Attached hereto as Exhibit T is a copy of the Notification of Suspension given to Plaintiff on November 29, 2013, bearing the Bates stamp Nassau County 000119.

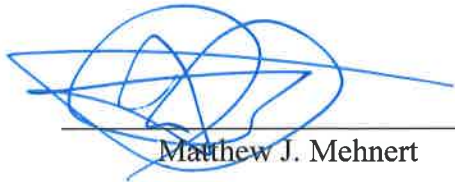
24. Attached hereto as Exhibit U is a copy of the Nassau County Police Department Physical Condition Questionnaire signed by Plaintiff on November 30, 2013.

25. Attached hereto as Exhibit V is a copy of a May 27, 2014 Decision issued by the Nassau County District Court in the matter of *People v. Sharpe*, Docket No. 2013-NA-027341, bearing the Bates stamps Nassau County 000443-000457.

26. Attached hereto as Exhibit W is a copy of a March 6, 2015 letter from then Acting Commissioner of Police Thomas C. Krumpert to Plaintiff's counsel regarding her reinstatement to full active duty, bearing the Bates stamp Nassau County 000161.

WHEREFORE, it is respectfully submitted that this Court issue an order pursuant to Fed. R. Civ. P. 56 dismissing the Complaint in its entirety as against the County Defendants and for whatever other and further relief as this Court deems to be just and proper.

Dated: Melville, New York  
April 18, 2022



Matthew J. Mehnert